

App. No. 09/890055  
Office Action Dated July 19, 2005  
Response Dated November 4, 2005

### **REMARKS**

Applicants have received and reviewed an Office Action dated July 5, 2005. Claims 8-13 and 16-21 are pending.

Reconsideration of the application is requested in view of the following remarks.

#### **Claim Rejection under 35 U.S.C. §112, first paragraph**

The Examiner rejected claims 8-13 and 16-21 under 35 U.S.C. § 112, first paragraph. Applicants respectfully traverse this rejection.

The Office Action states the specification does not support claim to a "flap valve system" 11 between the dryer/cooler 8 and batch mixer 12. Applicants argue one skilled in the art would recognize a valve system and flap valve system to be synonymous based on the present specification and the originally filed specification.

One skilled in the art would recognize a "valve" system and "flap valve" system are synonymous in view of the entire specification. The present specification discloses a flap valve system 3 that connects a depot 1 to a batch mixer 4, wherein the flap valve system 3 permits an airtight separation between the depot 1 and the batch mixer 4 (see page 3). This batch mixer 4 is connected to a dryer/cooler 8. The dryer/cooler 8 is connected "by another valve system" 11 to "another batch mixer 12 that is designed like batch mixer 4" (see pages 3-4). Thus, the batch mixers are identical. It would be intuitive to one skilled in the art that the valve systems that connect these batch mixers to other devices are identical. Thus, one skilled in the art would recognize that a flap valve system referred to as "flap valve system" in the first instance and "another valve system" are both flap valve systems.

Moreover, one skilled in the art would understand a valve system refers to a "flap valve system" based on the original specification, available at EP 1 164 876 B1. In the original specification, two separate flap systems are disclosed as closing devices used to enable an air-tight seal between certain components. In the original specification, a flap system 3 connects a hopper 1 with a batch mixer 4. This batch mixer 4 is connected to a dryer/cooler 8. Another flap system 11 connects a dryer/cooler 8 to yet another batch mixer 12 (claim 1, page 4, lines ). The original specification discloses that flap systems are utilized to create air-tight seals between

App. No. 09/890055  
Office Action Dated July 19, 2005  
Response Dated November 4, 2005

certain components. One skilled in the relevant art would understand that the second valve system disclosed in the present specification was intended to form an airtight seal. Thus, one skilled in the art would recognize "another valve system" to refer to a "flap valve system".

For the foregoing reasons, Applicants have complied with the written description requirement. The claims do not contain subject matter that was not described in the specification. Applicants respectfully request withdrawal of this rejection.

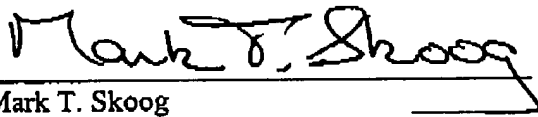
**Summary**

In summary, Applicants submit that each of claims 8-13 and 16-21 are in condition for allowance. The Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below, if the Examiner believes that doing so will expedite prosecution of this application.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: November 4, 2005

  
Mark T. Skoog  
Reg. No. 40,178  
MTS:HJK